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October 13, 2023

Via ECF Filing

The Honorable Brian M. Cogan
United States District Judge
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. Alexander Mayer*
Docket No. 19 Cr. 164 (BMC)

Dear Judge Cogan:

I write as court-appointed CJA defense counsel for defendant Alexander Mayer to report on the defense position respecting the proposed modification to Special Condition 3 of the Supervised Release provisions of Your Honor's Sentence that the Second Circuit instructed be evaluated consistently with its Mandate.

Accordingly, after my original legal call appointment with Mr. Mayer was adjourned from Tuesday, October 10, because of Bureau of Prisons administrative difficulties, I was able to speak to the defendant on Thursday, October 12, 2023.

In a succinct and entirely forthcoming conversation, he affirmed his strict observance of Jewish religious practices, encouraged me to refer to a definition of the Sabbath and explained that in his family and within Jewish Orthodoxy that there can be a several hour variation amongst strict observers when Jewish Holy Days begin and end.

As requested, I consulted The Decalogue Society of Lawyers at www.decaloguesociety.org and found as predicted:

'The Jewish Sabbath begins every Friday at sunset and ends Saturday at nightfall. It is a day of prayer and study, and no work, writing, commerce or travel is permitted.'

Furthermore, all Jewish Holy Days begin at sundown the evening before the date of the Holiday and conclude at nightfall of the last day. The same proscriptions on work, writing, commerce or travel are required.

Thus, and because of the variations of determining sunset and nightfall even within Mr. Mayer's own family, and the ambiguities of the Probation Department's reporting protocols at a particular date and time, the defense proposes that the bolded language at the bottom of page 2 of AUSA Kassner's October 6, 2023 letter to be modified to read as follows:

‘except during the Sabbath and other religious Holy Days, in which case the defendant must report such contact no more than 18 hours following the end of the Holy Day.’

The defense would agree that such additional language would conform with the Second Circuit's mandate and permit Mr. Mayer to report in person, if required by his Probation Officer, were sunset or nightfall to be as early as 5 p.m. as it could be at certain times within the year or within his own family's religious practices.

Thank you for the Court's consideration.

Respectfully submitted;

/s/

Walter Mack

cc: Clerk of the Court (BMC) (by ECF)
Kassner, Gillian (USANYE)
Probation Officer Gregory Giblin (by email)